

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-006342

01/02/2007

HON. GARY E. DONAHOE

CLERK OF THE COURT

D. Monroe

Deputy

IN RE THE MARRIAGE OF
CYNTHIA LEE THIMMESCH

TERI D MCCALL

AND

PETER ALLAN THIMMESCH

PETER ALLAN THIMMESCH
11337 STONEHOUSE PLACE
POTOMAC FALLS VA 20165

JOHN J TOMA PH D
2345 E THOMAS RD STE 275
PHOENIX AZ 85016
JUNE M STAPLETON PH D
5111 N SCOTTSDALE RD #104
SCOTTSDALE AZ 85250
BRIAN W YEE PH D
7220 N 16TH ST BLDG K
PHOENIX AZ 85020

ORDERS ENTERED BY COURT

The Court has considered the letter from Dr. Toma dated October 16, 2006, the responses of the parties and the other pleadings that the parties have filed. It is apparent that the conflict between these parents continues.

IT IS HEREBY ORDERED denying Mr. Thimmesch's Motion to Deny Raw Test Data Access to Court Appointed Family / Parenting Coordinator John Toma, Ph.D.

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IT IS FURTHER ORDERED authorizing and directing Dr. Ronn Lavit, Dr. June Stapleton and Dr. Brian Yee to release to Dr. Toma all test data concerning any member of the Thimmesch family.

IT IS FURTHER ORDERED that the parties shall not discuss parenting time scheduling with the children until the scheduling is finalized. The parties shall assure that the children do not overhear conversations or read e-mails dealing with scheduling of parenting time.

IT IS FURTHER ORDERED that neither parent shall allow either child to read any e-mail, correspondence, report or pleading regarding this case.

IT IS FURTHER ORDERED that parenting time shall be discussed and finalized at least three months prior to the date of each exchange.

IT IS FURTHER ORDERED that no deviations from the current parenting time orders shall be considered.

IT IS FURTHER ORDERED that summer break access shall include at least one week of vacation time for Ms. Thimmesch.

IT IS FURTHER ORDERED that the children shall be returned to Mother's house from extended visits with their father at least two days prior to the resumption of school. Those two days shall be excluded from the split of time.

IT IS FURTHER ORDERED that no visit by a parent shall be permitted without at least two weeks notice.

IT IS FURTHER ORDERED that Ms. Owensby shall cease all communication with Ms. Thimmesch, attorneys and other professionals involved in this case unless some communication is requested from her by Ms. Thimmesch, attorneys or other professionals.

IT IS FURTHER ORDERED that Mr. Thimmesch and Ms. Owensby shall not contact treatment providers in Phoenix who are charged with the care of the children.

IT IS FURTHER ORDERED that telephone contact between the children and their father, step-mother and half-siblings shall be on Wednesday and Sunday between 5:00 p.m. and 6:00 p.m.

IT IS FURTHER ORDERED denying Ms. Thimmesch's request for a reallocation of Dr. Toma's fees.

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IT IS FURTHER ORDERED denying Mr. Thimmesch's Motion to Appoint Guardian ad Litem for Minor Children without prejudice to Mr. Thimmesch's right to renew the motion upon presenting evidence to the Court that he is current (all arrearages and interest fully paid) in his child support payments, spousal maintenance payments and fees to Dr. Toma.

IT IS FURTHER ORDERED that Mr. Thimmesch bring the account with Dr. Toma current no later than February 9, 2007.

IT IS FURTHER ORDERED that Andrew continue treatment with his current therapist.

IT IS FURTHER ORDERED that Becca be provided with a therapist in order to assist her in adjusting to the turmoil that has resulted from past parental interaction difficulties.

IT IS FURTHER ORDERED that there shall be no negative comments or criticisms by the children's father or step-mother regarding therapy provided to the children. No parent shall do anything to undermine the treatment being given to either child.

There is a body of research literature indicating that children are adversely affected by interparental conflict following divorce. For example, Janet R. Johnston wrote:

Interparental conflict after divorce (defined as verbal and physical aggression, overt hostility, and distrust) and the primary parent's emotional distress are jointly predictive of more problematic parent-child relationships and greater child emotional and behavioral maladjustment. As a group, children of high-conflict divorce as defined above, especially boys, are two to four times more likely to be clinically disturbed in emotions and behavior compared with national norms. Court-ordered joint physical custody and frequent visitation arrangements in high-conflict divorce tend to be associated with poorer child outcomes, especially for girls. *High-Conflict Divorce*, The Future of Children, Spring 1994, pp. 165 – 182.

Likewise, in *High Conflict Separation and Divorce: Options for Consideration*, Department of Justice, Canada, 2004, p. 26, is the following statement:

In short, the literature indicates that parental conflict is a major source of harm to children, whether the children are in intact families or their parents have separated or divorced. Children whose parents have separated or divorced where there is a high level of conflict between the parents display greater behavioural problems than children from low- or medium-conflict divorced families.

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This case has all the earmarks of a high-conflict divorce. It also is apparent that the children are having emotional problems. Ms. Thimmesch in her letter dated November 9, 2006, addresses some of the problems the children are experiencing. The Court is of the opinion that it would be useful to have both Mother and Father read some of the research articles dealing with the affects on children of high-conflict divorce so that they realize what their conflict likely has wrought upon their children already and what affects continued conflict likely will have on their children. Accordingly,

IT IS FURTHER ORDERED that no later than February 28, 2007, each party shall submit to this Court a brief essay (approximately 1000 words) explaining why the writer-parent believes it is beneficial to their children for the parties to continue to engage in conflict over parenting time and other issues involving the children. The essay must reflect that the writer has read no less than three research articles dealing with the effects on children of high conflict between divorced parents. The author, title and publication of each research article read and considered shall be set forth in the essay. Each party shall provide a copy of their essay to Dr. Toma.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. GARY E. DONAHOE

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.